

ARTICLE X. SIGN REGULATION

Sec. 130-1270. Purpose of article.

The purpose of this article is to establish minimum standards for a first class business, commercial and historic district; to allow business identification, advertising and communication while still protecting the health, safety and welfare of the public; to ensure that signs are compatible with their surroundings and promote an aesthetically pleasing environment; to preserve and enhance property values; to encourage high standards in sign design and display through the use of well-maintained and attractive signs that do not contribute to visual clutter; and to equitably distribute the privilege of using the public environs to communicate commercial and non-commercial information through the use of a permit process with a defined review authority.

(Ord. No. 2002-9, § 1, 3-11-2003)

Sec. 130-1271. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Area of sign means the area within the perimeter, calculated using a standard mathematical formula for easily recognizable geometric shapes. For irregular shapes, straight lines drawn closest to the extremities of the shape will be used. If the sign consists of more than one section or module, the perimeter of the outside area will be totaled. Supports or uprights shall not be used as part of the calculation unless they are a part of the sign. For the calculation of the allowable square footage only one side of a double-faced sign shall be considered.

Awning means a retractable or permanent shelter which projects from the wall of the building and composed of non-rigid materials except for the supporting network.

Banner means any sign of lightweight fabric or similar material that is mounted to a pole or a building without an enclosing frame, including feather/teardrop signs and excluding flags and pennants, as defined herein. A banner may not be used in place of a permanent sign.

Billboard. See off-premise sign.

Blanketing means to obstruct the view of a sign caused by placement of another sign.

Canopy/Marquee means a permanent, roof-like shelters extending from a building and constructed of a durable, rigid material such as metal, plastic or glass.

Community Event/Information sign means a sign that displays community event-related information.

Contractor sign means a sign that displays the name of individual contractors that are involved in smaller scale projects, such as single-family home construction or remodeling.

Construction sign means a sign that displays the names of contractors, engineers or architects that are involved in large-scale projects, such as public or multifamily buildings.

Directly illuminated/Backlit means a sign that is designed to give artificial light directly through a transparent or translucent material from a source of light originating within such sign (i.e. internally lit or neon sign).

Directory signs means a sign that indicates only the names and/or locations of occupants or the use of a building.

Electronic message display means a type of sign display where the message is created with a number of internal lights, such as light emitting diodes (LEDs), and which may be changed at interval by an electronic process.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or graphics, used as a symbol of a government, political subdivision, or other public entity.

Flashing sign means a sign that is directly or indirectly illuminated on which artificial light is momentary, variable in color or intensity.

Freestanding/Ground sign means a sign where the entire bottom of the sign is generally in contact with or in close proximity to the ground.

Freestanding/Pole sign means a sign that is principally supported by a structure affixed to the ground, such as columns, poles or braces.

Identification sign means a sign that carries only the name of the business and/or principal products offered for sale on the premises.

Indirectly illuminated sign means a sign that is illuminated from a source outside of the sign.

Legal nonconforming sign means any sign located within the City of Evansville, which is lawful at the time of enactment of this ordinance, which does not conform to the regulations of this article or is annexed into the city after adoption of this article.

Off-premise sign/billboard means a sign that is permanently erected, maintained, or used in the outdoor environment for the display of any message not related to the parcel on which the sign is located.

Pennant means any lightweight plastic, fabric, or other material, not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed

to move in the wind; also including streamers, pinwheels, balloons and other similar small objects.

Political sign means a sign that displays election-related information.

Portable sign means a sign that is not permanently attached to the ground and is designed to be easily moved from one location to another. Examples are trailers or other vehicles used principally as a sign.

Projecting sign means a sign that extends from the face of the wall of a building.

Real estate sign means a sign that is used to offer for sale, lease or rent the property upon which the sign is placed.

Roof sign means a sign that is erected upon or over the roof or parapet of a building, including signs made out of shingles.

Sandwich Board sign means freestanding signboard, sidewalk signs, or A-frame signs not permanently attached to a structure or the ground, and consisting of not more than 2 faces.

Signs means an object, device, structure or display situated outdoors on which a message or symbols appear, advertising is displayed, or which promote a business, location, person, service, organization, event or product.

Wall sign means a sign that is attached to, erected on or painted on the wall of a building.

Window sign means a sign that is (1) painted on, applied to, or affixed to the glazing of a window or exterior door, or (2) located on the interior of the building within three feet of the glazing of a window. The term does not include merchandise displayed on the interior of the building within three feet of the glazing of a window.

(Ord. No. 2002-9, § 1, 3-11-2003, Ord. 2006-16, Ord. 2016-02)

Sec. 130-1272. Sign permit requirements.

(a) *Application.* Except those specified in the section listing signs not requiring a permit; no signs shall hereafter be located, erected or structurally altered without a sign permit and without being in conformity with the provisions of this ordinance. Alteration is considered to be any change to the exterior appearance of any part of the sign, its frame, supporting structure or lighting including changing the materials, height or location, except for normal maintenance and repair and for changes to the messaging area of the sign. The city clerk shall not issue a permit until the zoning administrator has reviewed and approved the signed application. The zoning administrator shall make every effort to act on an application within ten days after receiving a complete application. The sign shall also meet all structural requirements of other city codes and ordinances.

(b) *Required information.* Application for a sign permit shall be made in writing upon forms furnished by the city clerk's office. The application must specify the proposed sign's dimensions (including display surface), materials, form of illumination, wiring, height above grade, distance from lot lines, the party erecting or altering the sign, and in the case of wall sign(s), a sketch plan of the signs location and relationship to the building's face.

(c) *Permit fees.* A fee in the amount established by the council from time to time by resolution and as set forth in appendix A shall be paid before application is reviewed by Zoning Administrator. If submitted as part of the site plan review process or a mobile business permit per Chapter 22, Article IV, no separate fee will be charged.

(d) *Insurance.* Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating signs shall maintain in effect at all times a policy of liability insurance. The required limits shall be \$100,000.00 for bodily injury and \$200,000.00 aggregate and \$100,000.00 property damage. Proof of insurance shall be presented to the city clerk at the time of application.

(e) *Inspection.* The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the zoning administrator who will certify in writing that the sign complies with the approved sign permit.

(f) *Appeals.* The zoning administrator may, at any time for a violation of this article, revoke a permit or require changes so the sign conforms to this article. Any such decision by the zoning administrator may be appealed by the aggrieved party to the board of zoning appeals.

(g) *Variances.* Variances to the sign regulations may be granted by the board of zoning appeals, or in the case of site plan review, the planning commission, following a recommendation by the zoning administrator, pursuant to the standards in section 130-131 of the city's zoning code.

(Ord. No. 2002-9, § 1, 3-11-2003, Ord. 2016-02)

Sec. 130-1273. Construction and maintenance regulations.

(a) *Construction standards.* All signs, except flat signs and those signs weighing less than ten pounds, shall be constructed to withstand a wind pressure of not less than 30 pounds per square foot and adequately support the dead load plus any anticipated live loads (i.e. ice, snow) of the sign.

(b) *Installation.* All signs, framework, anchors and supports shall be constructed of material and with workmanship to be safe and satisfactory to the zoning administrator. Electric service to ground signs shall be supplied by underground wiring. Electric service to wall signs shall be supplied by concealed wiring in a color that blends with surrounding materials.

(c) *Sign mounting.* It is always preferable for the back of any sign to be screened from public view. If this is unavoidable, then the backs of all signs or sign structures showing to public view shall be painted a neutral color that blends with the surrounding environment. Signs shall not be painted on or attached to any tree. Signs shall not be painted on or attached to any utility pole, except for official governmental signs or decorations.

(d) *Maintenance.* All signs, including supports and attachments, shall be properly maintained in good structural condition and have a neat and clean appearance. The immediate premises shall also be maintained in a clean and inoffensive condition and be kept free of all obnoxious substances, such as rubbish and weeds.

(Ord. No. 2002-9, § 1, 3-11-2003, Ord. 2016-02)

Sec. 130-1274. Signs not requiring a permit.

(a) *Business, Industrial, and Office Districts.* The following signs are permitted without a sign permit if they are located in a business, industrial or office district:

- (1) House or Building numbers.
- (2) Memorial signs or historic plaques when cut into any masonry surface or a metal sign affixed flat to the building.
- (3) *Banners.* Banners displayed for a business or nonresidential use may be displayed for a limited period of time, not to exceed 15 days per 90 day period. No banners shall exceed a cumulative of 32 square feet per parcel, nor 15 feet in height above finished grade.
- (4) Warning signs not to exceed four square feet located on the premises.
- (5) Signs directing traffic toward entrances, exits, service areas, or parking areas are limited to six square feet.
- (6) Rummage sale signs not to exceed four square feet in area nor displayed longer than 72 hours per sale.
- (7) Municipal signs such as traffic control, parking restrictions, directions to points of interest under section 130-1281 or legal notices.
- (8) Political signs up to 60 days before an election, removed within ten days after said election and a maximum area of 32 square feet.
- (9) Real estate signs are limited to two signs per commercial property. The total real estate signage per property shall not exceed eight square feet in area, nor six feet in height, measured from the soil grade to the top of the signpost. Each sign shall be removed immediately upon the sale or rental of the property.
- (10) Parking area signs are limited to one sign designating each entrance or exit, with a maximum area of two square feet each. Each parking area may have one sign designating its identity or the conditions of use not to exceed nine square feet in area nor seven feet above finished grade in height.

- (11) Seasonal outdoor sales of farm produce signs for identification of the stand and advertising the agricultural products for sale therein. The sign(s) shall be limited to two and placed on the same lot as the stand. No sign shall exceed 12 square feet in area or 15 feet in height above finished grade.
- (12) Contractor signs for work being done on a lot, one sign not more than four square feet in area, displayed only during the construction period.
- (13) Holiday lights and decorations.
- (14) Copy changes to existing signs involving no structural or dimensional change.
- (15) Pennants. The display of strings of pennants, streamers, pinwheels, balloons and similar objects shall be prohibited, except said signs shall be permitted for carnivals and open-air festivals during the time of their run, and for the initial opening of a new business for a single period not exceeding 28 days after the new business's "grand opening."
- (16) Flags. Any fabric, banner, or bunting containing distinctive colors, patterns, or graphics, used as a symbol of a government, political subdivision, or other public entity.
- (17) Window signs. Window signs provided the sign area does not occupy more than 25 percent of the glazed area on which it is displayed and the sign is not an electronic message sign.
- (18) Portable Signs, which shall not be displayed more than three times per calendar year at any one location, nor more than ten days each time. The maximum area signs shall be 12 square feet.
- (19) Community Event/Information signs up to 45 days before an event, removed within 5 days after the end of the event, and a maximum area of 32 square feet. Any Community Event/Information signs attached to or displayed on public property will require written approval from the zoning administrator.
- (b) Agricultural, Conservancy and Residential Districts. The following signs are permitted without a sign permit if they are located in an agricultural, conservancy or residential district:
 - (1) House numbers or signs identifying parks.
 - (2) Memorial signs or historic plaques when cut into any masonry surface or a metal sign affixed flat to the building.
 - (3) Contractor signs for work being done on a lot, one sign not more than four square feet in area, displayed only during the construction period.
 - (4) Political signs up to 60 days before an election, removed within ten days after said election and a maximum area of eight square feet.
 - (5) Rummage sale signs not to exceed four square feet in area nor displayed longer than 72 hours per sale.

- (6) Residential buildings are limited to one nameplate, not exceeding three square feet in area for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation.
- (7) Nonresidential buildings may have a single identification sign, not exceeding nine square feet in area and indicating only the name and address of the building. On a corner lot, two signs (one facing each street) shall be permitted. Such sign(s) shall be affixed flat against the wall of the building and not be placed higher than 15 feet above finished grade. They may be illuminated, but only indirectly, and only during business hours.
- (8) Real estate signs are limited to one sign per residential lot, except that on a corner lot two signs (one facing each street) shall be permitted. No sign shall exceed eight square feet in area nor six feet in height, measured from the soil grade to the top of the signpost. Each sign shall be removed immediately upon the sale or rental of the property.
- (9) Parking area signs are limited to one sign designating each entrance or exit with a maximum area of two square feet each. Each parking area may also have one sign designating its identity or the conditions of use not to exceed nine square feet in area nor seven feet in height above finished grade level.
- (10) Seasonal outdoor sales of farm produce signs for identification of the stand and advertising the agricultural products for sale therein. The sign(s) shall be limited to two and placed on the same lot as the stand. No sign shall exceed 12 square feet in area nor 15 feet in height above finished grade.
- (11) Holiday lights and decorations.
- (12) Copy changes to existing signs involving no structural or dimensional change.
- (13) Municipal signs such as traffic control, parking restrictions, directions to points of interest under section 130-1281 or legal notices.
- (14) Signs advertising products or services located in public parks that have been approved by the City Council, based on recommendation from the Park Board. Such signs may include, but are not limited to, signs on baseball outfield fences and signs for refreshments at the municipal swimming pool.
- (15) Signs for permitted home occupations, which are regulated under section 130-531(1)e. Such signs shall not be illuminated and shall not exceed three (3) square feet.

(Ord. No. 2002-9, § 1, 3-11-2003; Ord. No. 2003-17, § 1, 2, 2-10-2004, Ord. 2005-19, Ord. 2006-16, Ord. 2010-02, Ord. 2011-03, Ord. 2016-02)

Sec. 130-1275. Signs permitted in the historic preservation district and central business district (B-2) with a sign permit.

Except for signs permitted without a sign permit under section 130-1274, all signs in a historic district established under section 62-2 or the central business district (B-2) are

prohibited except for a sign that complies with the following regulations and for which the applicant has obtained a sign permit:

(a) Freestanding/ground signs shall have no projections, shall not exceed 50 square feet in area nor 15 feet in height above the mean centerline street grade. Pole signs are not permitted in the downtown business district.

(b) Projecting signs may extend up to two-thirds the width of a public sidewalk, not to exceed a maximum of five feet, and must maintain a vertical clearance of ten feet.

(c) Shopping center/group development sign. One freestanding sign for each street upon which the development fronts, showing only the name of said center and each represented business. Sign shall not exceed 60 square feet in area, be placed within 20 feet of the property line or exceed 15 feet in height above finished grade.

(d) Wall signs shall not project more than 16 inches from such wall. One sign is permitted on the front wall of any principal building. The total sign area shall not exceed one-tenth of the building's front face (including doors and windows), with a maximum area of 200 square feet. If a single principal building is devoted to two or more businesses, the operator of each business may install a front wall sign. The maximum area of each sign shall be determined by using the proportional share of the front face (including doors and windows) occupied by each business and applying such proportion to the total sign area permitted for the front wall of the building. If a building is located on a corner lot, a sign may be placed on the wall facing the secondary street up to one-tenth of the wall's face in area, not to exceed 100 square feet. In no case shall the total area of all wall signs exceed 200 square feet or be more than two wall signs per business.

(e) Awning signs and canopy/marquee signs are limited to a total of two such signs for each business, and the signage shall be restricted to the flap of the awning that hangs vertically or to the part of the canopy/marquee that is a vertical face. The portion of the awning or canopy/marquee displaying a message or symbol shall be included in the total signage area per parcel area calculation.

(f) Window signs in excess of 25 percent of the glazed area but less than 50 percent of the glazed area provided the sign is not an electronic message sign.

(g) Directly illuminated/backlit signs are not allowed in this district, except signs with the word "open" that are less than four square feet in area. Lighting shall not create glare nor be flashing.

(h) Total signage area per parcel. Cannot exceed 200 square feet.

(i) Sandwich board signs may only be displayed during business hours. They shall be securely fastened to prevent any hazardous condition. No sign shall exceed 12 square feet in area on each face, nor 4 feet in height above finished grade. The common council may, by resolution, designate one or more locations in a public right of way where one or more off-premises sandwich boards may be displayed during a street construction project to encourage patronage of businesses negatively impacted by the construction, provided a sandwich board shall not impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement.

(j) Searchlights are not allowed in this district.

(k) Church bulletins may be indirectly illuminated, except neon, and are limited to one sign per lot, six feet in height above finished grade, 16 square feet in area and must be at least eight feet from any other lot.

(l) Construction signs for development on a lot, one sign not more than 32 square feet in area, indicating only the name of the contractors, engineers, or architects and displayed only during the time of construction.

(m) Banners displayed for a business or nonresidential use may be displayed for a limited period of time, not to exceed 30 days per 90 day period. Banners shall not exceed a cumulative of 32 square feet per parcel, nor 15 feet in height above finished grade. Any banner attached to or displayed on public property will require a no fee permit from the zoning administrator.

(Ord. 2002-9, § 1, 3-11-2003, Ord. 2005-19, Ord. 2005-20, Ord. 2005-34, Ord. 2005-35, Ord. 2006-16, Ord. 2016-02)

Sec. 130-1276. Signs permitted in the local business district (B-1), community business district (B-3), special use business district (B-5), and planned office district (O-1) with a sign permit.

Except for signs permitted without a sign permit under section 130-1274, all signs in the local business district (B-1), community business district (B-3), special use business district (B-5), or planned office district (O-1) and not in a historic preservation district are prohibited except for a sign that complies with the following regulations and for which the applicant has obtained a sign permit:

(a) Freestanding/ground/pole signs shall have no projections and are limited to one per parcel. They shall not exceed 50 square feet in area nor 15 feet in height measured from the mean centerline street grade to the top of the sign. Exception: height may be up to 20 feet if sign is set back at least ten feet from the property line.

(b) Shopping center/group development/office park signs. One freestanding sign, showing only the name of said center and each represented business. They shall not exceed 60 square feet in area, 15 feet in height above finished grade, nor be placed within 20 feet of the property line.

(c) Projecting signs shall not extend over a public sidewalk and must maintain a clear vertical clearance of ten feet.

(d) Wall signs shall not project more than 16 inches from such wall. One sign is permitted on the front wall of any principal building. The sign area shall not exceed one-tenth building's front face (including doors and windows), with a maximum area of 200 square feet. If a single principal building is devoted to two or more businesses, the operator of each business may install a front wall sign. The maximum area of each sign shall be determined by using the proportional share of the front face (including doors and windows) occupied by each business and applying such proportion to the total sign area permitted for the front wall of the building. If the building is located on a corner lot, a sign may also be placed on the side wall facing the secondary street up to one-tenth of the wall's face in area,

not to exceed 100 square feet. In no case shall the total area of all wall signs be in excess of 200 square feet or there be more than two wall signs per business.

(e) Awning signs and canopy/marquee signs are limited to a total of two such signs for each business, and the signage may be placed on the flap of the awning that hangs vertically and/or on the sloping portion of the awning, provided the signage does not occupy more than 50 percent of such area or to the part of the canopy/marquee that is a vertical face. The portion of the awning or canopy/marquee displaying a message or symbol shall be included in the total signage area per parcel area calculation.

(f) Window signs in excess of 25 percent of the glazed area but less than 50 percent of the glazed area provided the sign is not an electronic message sign.

(g) Lighting. Signs may be directly illuminated/backlit or indirectly illuminated by a hooded reflector, shall not create glare nor be flashing.

(h) Total signage area per parcel cannot exceed 250 square feet.

(i) Electronic message signs may only be used to advertise activities conducted on the premises or to present public information and cannot exceed 20 percent of the face of the sign. Electronic signs must also meet the following specific standards:

(1) The display area is a part of a freestanding ground sign.

(2) The display area does not exceed 25 square feet.

(3) The message shall be in one color and the background for the message shall be one color.

(4) The message shall remain static at least two minutes before the next message appears. No part of the message shall give the appearance of movement.

(5) There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading)

(6) There shall be no more than one electronic message display per parcel of land.

(j) Sandwich board signs may only be displayed during business hours. They shall be securely fastened to prevent any hazardous condition. No sign shall exceed 12 square feet in area on each face, nor 4 feet in height above finished grade.

(k) Church bulletins may be directly illuminated/backlit or indirectly illuminated, except neon, and are limited to one sign per lot, six feet in height above finished grade, 16 square feet in area and must be at least eight feet from any other zoning lot.

(l) Searchlights are not allowed in this district.

(m) Construction signs for development on a lot, one sign not more than 32 square feet in area, indicating only the name of the contractors, engineers or architects and displayed only during the time of construction.

(n) Banners. Banners displayed for a business or nonresidential use may be displayed for a limited period of time, not to exceed 30 days per 90 day period. Banners shall not exceed a cumulative of 32 square feet per parcel, nor 15 feet in height above finished grade. Any banner attached to or displayed on public property will require a no fee permit from the zoning administrator.

(Ord. No. 2002-9, § 1, 3-11-2003, Ord. 2005-19, Ord. 2005-44, Ord. 2006-8, Ord. 2006-16, Ord. 2010-02, Ord. 2016-02)

Sec. 130-1277. Signs permitted in the regional business district (B-4) and industrial districts with a sign permit.

Except for signs permitted without a sign permit under section 130-1274, all signs in the regional business district (B-4) or an industrial district and not in a historic preservation district are prohibited except for a sign that complies with the following regulations and for which the applicant has obtained a sign permit:

(a) Freestanding/ground/pole signs cannot have projections, are limited to one per parcel, and cannot exceed 50 square feet in area nor 15 feet in height measured from the mean centerline street grade to the top of the sign. Exception: height may be up to 20 feet if the sign is set back ten feet from the property line.

(b) Shopping center/group development/industrial park. One freestanding sign, showing only the name of said center/park and each represented business. Such signs shall not exceed 60 square feet in area, be placed within 20 feet of the property line, or exceed 15 feet in height. For those signs showing only the name of said center/park and each represented business to be located within 75 feet of a public street right-of-way where the posted speed limit is 45 miles per hour or higher, the plan commission may, upon a written request submitted by the property owner, allow a sign that exceeds the dimensional standards specified in this part. In determining whether to grant such special exception, the plan commission shall evaluate whether (1) the proposed signage is absolutely necessary to make known the businesses on the parcel on which the sign is located given the prevailing traffic flow on the roadway, and (2) the proposed sign location is as close to the street right of way as is practicably feasible. Special exceptions shall be reviewed on a case by case basis. Therefore, no prior decision shall be deemed to limit or otherwise control subsequent decisions.

(c) Shopping center/group development/industrial park – name only. Up to two ground signs showing only the name of said center/park and not exceeding a total of eight square feet are allowed, provided such sign is not located within 100 feet of another freestanding/ground/pole sign on the subject property or within 50 feet of the principal building. (Editor's note: This provision allows one ground sign with eight square feet of signage, or two ground signs provided the total sign area of the two signs does not exceed eight square feet.)

(d) Wall signs shall not project more than 16 inches from said wall. One sign is permitted on the front wall of any principal building. The sign area shall not exceed one-tenth of the building's front face area (including doors and windows), with a maximum area of 200 square feet. A 12 square foot front wall sign is permitted for building faces of less than 120 square feet. A side wall sign area is limited to one-tenth of the area of the side wall, not to exceed 100 square feet. A rear wall sign area shall not exceed 50 percent of the maximum area permitted for a front wall sign of the same building. The maximum sign

area for all walls combined shall not exceed 200 square feet and a limit of two signs per building are allowed.

If a principal building is devoted to two or more businesses, the operator of each business may install a front wall sign. The maximum area of each sign shall be determined by using the proportionate share of the front face (including doors and windows) occupied by each business and applying such proportion to the total sign area permitted for the front wall of the building. The zoning administrator may, upon a written request submitted by the property owner, exceed the maximum signage area specified in this part and section 130-1277 (g), when it can be shown that such limitation(s) will not allow each tenant to have a wall sign. Such sign shall not exceed 10 percent of the wall façade on which the sign is to be located.

(e) Awning signs and canopy/marquee signs are limited to a total of two such signs for each business, and the signage may be placed on the flap of the awning that hangs vertically and/or on the sloping portion of the awning, provided the signage does not occupy more than 50 percent of such area or to the part of the canopy/marquee that is a vertical face. The portion of the awning or canopy/marquee displaying a message or symbol shall be included in the total signage area per parcel area calculation.

(f) Window signs in excess of 25 percent of the glazed area but less than 50 percent of the glazed area provided the sign is not an electronic message sign.

(g) Projecting signs shall not extend over a public sidewalk and shall maintain a clear vertical clearance of ten feet.

(h) Total signage area per parcel. Cannot exceed 350 square feet.

(i) Lighting. Signs may be directly illuminated/backlit or indirectly illuminated by a hooded reflector, shall not create glare nor be flashing.

(j) Electronic message displays are permitted provided they meet the following specific standards: The display area is a part of a freestanding ground sign.

(1) The display area does not exceed 25 square feet.

(2) The message shall be in one color and the background for the message shall be one color.

(3) The message shall remain static at least two minutes before the next message appears. No part of the message shall give the appearance of movement.

(4) There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading)

(5) There shall be no more than one electronic message display per parcel of land.

(k) Sandwich board signs may only be displayed during business hours. They shall be securely fastened to prevent any hazardous condition. No sign shall exceed 12 square feet in area on each face, nor 4 feet in height above finished grade.

(l) Searchlights are permitted for advertising purposes for a period of no more than five days in any six month period. However, the searchlight cannot be located outside a

property line, closer than ten feet to an adjacent property or cause a hazard to traffic or adjoining properties.

(m) Church bulletins may be directly illuminated/backlit or indirectly illuminated, except neon, and are limited to one sign per lot, six feet in height above finished grade, 16 square feet in area and must be at least eight feet from any other lot.

(n) Construction signs for development on a lot, one sign not more than 32 square feet in area, indicating only the name of the contractors, engineers or architects and displayed only during the construction period.

(o) Signage on a cupola, provided (1) the plan commission has determined through the site plan review process that the cupola is located on the ridge of a peaked roof and is otherwise integral to and consistent with the architectural design of the building on which it is located, (2) the sign area does not occupy more than 75 percent of the wall face on which it is located, (3) the top of the sign face is no more than eight feet from the roof ridge, (4) the side of the sign face is eight inches or more from the vertical edge of the wall face, (5) each sign face does not exceed 35 square feet, (6) the sign face does not directly face a residentially zoned district that is within 200 feet, and (7) the total signage placed on a cupola is subtracted from the allowable area for wall signage.

(p) *Banners.* Banners displayed for a business or nonresidential use may be displayed for a limited period of time, not to exceed 30 days per 90 day period. Banners shall not exceed a cumulative of 32 square feet per parcel, nor 15 feet in height above finished grade. Any banner attached to or displayed on public property will require a no fee permit from the zoning administrator.

(Ord. No. 2002-9, § 1, 3-11-2003, Ord. 2005-19, Ord. 2005-29, Ord. 2006-8, Ord. 2006-16, Ord. 2007-19, Ord. 2016-02)

Sec. 130-1278. Signs permitted in residential districts with a sign permit.

Except for signs permitted without a sign permit under section 130-1274, all signs in a residential district and not in a historic preservation district are prohibited except a sign that complies with the following regulations and for which the applicant has obtained a sign permit:

(a) Temporary subdivision signs are permitted for the identification of homes or non-residential uses for sale or rent in a subdivision under construction. They shall be limited to two per subdivision, 50 square feet each in area. They shall observe the front yard setback of the principal use, be located at least 50 feet from all other boundaries of the site and not exceed eight feet in height above finished grade. Owner shall remove the sign(s) within two years of the date of the sign permit.

(b) Subdivision identification signs shall only bear the subdivision name, with a maximum of one located at each entrance. No sign shall exceed 32 square feet in area nor 12 feet in height above finished grade. The location of said signs will be reviewed by the zoning administrator prior to approval.

(c) Nonresidential signs. Signs for nonresidential, permitted uses (i.e. church bulletins, schools, municipal buildings, public parks, nursing homes, etc.) may be directly

illuminated/backlit or indirectly illuminated, except neon, and are limited to one sign per lot, six feet in height above finished grade, 16 square feet in area and must be at least eight (8) feet from any other zoning lot. This excludes signs for permitted home occupations, which are regulated under section 130-531(1)e.

(d) Signs for legal nonconforming commercial uses. Signs for legal nonconforming commercial uses may not be directly illuminated/backlit, and are limited to one sign per lot, six feet in height above finished grade, 10 square feet in area and must be at least eight (8) feet from any other zoning lot. The plan commission shall review and approve other aspects of the sign (e.g., sign materials, color scheme, placement on the lot) to ensure it is compatible with the surrounding properties to the greatest extent practicable. This excludes signs for permitted home occupations, which are regulated under section 130-531(1)e.

(e) Construction signs for development on a lot, one sign not more than 32 square feet in area, indicating only the name of the contractors, engineers or architects and displayed only during the construction period.

(Ord. No. 2002-9, § 1, 3-11-2003, Ord. 2005-19, Ord. 2007-1, Ord. 2016-02)

Sec. 130-1279. Prohibited signs.

The following signs are prohibited:

(a) Traffic interference. Signs shall not resemble or obstruct railroad or traffic signs. No sign shall prevent free ingress/egress from any door, window or fire escape. No sign shall inhibit traffic visibility nor interfere with surrounding properties.

(b) Signs on public rights-of-way shall not be permitted, except for municipal signs such as traffic control, parking, directions to points of interest under section 130-1281 or legal notices and as otherwise specified in this article. Such signs must not be located within five feet of a property line.

(c) Flashing signs. Except electronic message signs.

(d) Blanketing is not allowed by this ordinance.

(e) Roof signs above the parapet line or incorporated into the roofing material.

(f) All signs for a terminated business, including any signs for a business that has ceased to operate at a particular location.

(g) Adjacent to residential district. Illuminated signs shall not be permitted if they cast bright light upon property located in any residential district. Bright light shall be defined as exceeding one half foot candles at the residential property line.

(h) Off premise/billboard signs, except for (1) sandwich boards to the limited extent provided in section 130-1275(i) and (2) any sign placed in a public right of way pursuant to a resolution adopted by the common council designating one or more locations in a public right of way where one or more off-premises signs may be displayed during a street construction project to encourage patronage of businesses negatively impacted by the construction, provided any such sign shall comply with any size restriction or appearance requirement in such resolution and shall not impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement. (3) business

directory signs serving a group of businesses that are specifically approved by the Plan Commission. (4) off-premise signs in City parks that are specifically approved by the Common Council, based on recommendation from the Park Board.

(i) If a sign is not explicitly prohibited under the list above and not explicitly permitted under this article, the zoning administrator shall determine which kind of potentially permitted sign the sign in question is most similar to and apply to the sign in question the regulations applicable to the most similar kind of sign.

(Ord. No. 2002-9, § 1, 3-11-2003; Ord. No. 2003-17, § 3, 2-10-2004, Ord. 2005-19, 2005-20, Ord. 2005-34, Ord. 2005-35, Ord. 2010-02, Ord. 2011-03, Ord. 2016-02)

Sec. 130-1280. Legal nonconforming signs.

(a) *Loss of legal nonconforming status.* A sign loses its legal nonconforming status when any of the following occurs:

- (1) If the sign is altered in any way, except for normal maintenance and repair and for changes to the messaging area of the sign. Alteration is considered to be any change to the exterior appearance of any part of the sign, its frame, supporting structure or lighting including changing the materials, height or location.
- (2) The sign is damaged by fire, flood, explosion or act of God to an extent of 50 percent or more of its replacement value. If it is damaged to an extent of less than 50 percent of its replacement value, it may be reconstructed and used as before within three months after such calamity.
- (3) The sign fails to conform to the article provisions regarding maintenance and repair, abandonment or public safety.
- (4) Termination of a business, including a business that has ceased to operate a particular location.

(b) *Consequence of loss of legal nonconforming status.* On the date of the occurrence of any event listed in paragraph (a), the sign shall be immediately brought in compliance with the article with a new permit secured therefore or shall be prohibited.

(c) *Removal of prohibited sign.* The owner of a property on which is located a formerly legal nonconforming sign that has become prohibited under paragraph (b) shall immediately remove the prohibited sign, except as provided in section 130-1283.

(Ord. No. 2002-9, § 1, 3-11-2003, Ord. 2005-19)

Sec. 130-1281. Municipal directional signs.

(a) The City may place signs in public rights-of-way property or adjoining property to direct residents and visitors to points of interest, including (1) municipal buildings, (2) public parks, (3) golf courses owned and operated by the municipality or a not-for-profit corporation, (4) schools (5) collaborative efforts of multiple businesses, such as a parade of home, but not the location of an individual for-profit business, or (6) business directory signs. A sign under this section may be permanent or temporary.

(b) A local government, such as the Evansville School District, a not-for-profit organization, including a religious organization or a collaborative effort of multiple businesses, such as a parade of homes may request that the City place signs directing residents and visitors to their locations at street intersections selected by the local government, not-for-profit organization or collaborative effort of multiple businesses, and the City shall place such signs, provided the local government, not-for-profit organization or collaborative effort provides the signs at its own cost or agrees to pay the City the cost of the signs. The City shall attempt to locate each such directional sign as near as practical to the selected intersection.

(c) A permanent or temporary sign under this section shall be no larger than 30 inches by 36 inches.

(d) The Common Council may by resolution establish and from time to time amend uniform standards for the appearance of permanent signs under this section. In the absence of such a resolution, all such permanent signs shall be made of metal and have a blue face with white lettering and border.

(Ord. No. 2003-17, § 4, 2-10-2004, Ord. 2010-02)

Sec. 130-1282. Sign code violations.

(a) *Construction without permit.* Any person, firm or corporation who begins, erects or completes the erection, construction or alteration of any sign controlled by this Ordinance prior to obtaining a sign permit shall be subject to a fee as established by the council from time to time by resolution and as set forth in appendix A.

(b) *Illegal signs* Illegal signs shall be made to conform or be removed within 30 days of receipt of written notice from the zoning administrator, except those illegal signs which can be readily rectified (e.g., readily moveable signs such as sandwich board or banners) shall be removed or made to conform within two days of receipt of written notice from the zoning administrator. A sign placed on city property (e.g., street right-of-way, park) may be removed immediately by city personnel without advance notice to the person who authorized the installation of the sign. Such sign shall be disposed of within 72 hours of removal, unless claimed by the owner of the sign. A sign placed on private property without the authorization of the property owner may be removed by the property owner without advance notice to the person who authorized the installation of the sign. Such sign may be disposed of at the discretion of the property owner.

(c) *Dangerous signs.* A sign that poses a threat to public safety shall be made to conform or be removed within five days of receipt of written notice from the zoning administrator, unless a shorter compliance period as specified in the notice is required to protect public safety.

(d) *Penalties.*

(1) Violations. No person shall construct or use any structure in violation of any of the provisions of this chapter. In case of any violation, the city council, the zoning administrator, or the plan commission may institute an appropriate action or proceeding to enjoin a violation of this chapter or cause a structure to be removed.

- (2) Penalties. Any person who fails to comply with or violates any of the provisions of this chapter shall be subject to the provisions of section 1-11. Each day a violation exists or continues shall constitute a separate offence.
- (3) Civil remedies. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this chapter, prevent unlawful construction, recover damages, restrain, correct or abate a violation, and these remedies shall be in addition to the penalties described in subsection (2) of this section.
- (4) Removal by city. If the owner of an illegal sign under paragraph (b) of this section or dangerous sign under paragraph (c) of this section fails to comply within the time period herein specified, the city may remove it and charge the property owner for all costs related to removal and disposal. If not paid, the clerk treasurer shall add such amount to the tax roll as a special tax against such lot or parcel of land.

(Ord. No. 2002-9, § 1, 3-11-2003, Ord. 2005-46)

Editor's note: Ord. No. 2002-9, § 1, adopted March 11, 2003, set out provisions intended for use as 130-1281. For purposes of classification and clarity, and at the editor's discretion, these provisions have been included as 130-1282.

Sec. 130-1283. Removal of signs for terminated businesses.

If a business terminates, including a business that ceases to operate at a particular location, the owner of the property where the business was located shall remove all signs for the business from public view within six months from the date of termination. If the sign is not removed during that time, the zoning administrator shall give the property owner an additional thirty (30) days to appeal for an extension under section 130-1272(f) or remove it. If the owner fails to comply, the owner shall be subject to penalties under section 130-1282(d). In addition, the zoning administrator may elect to cause the sign to be removed and the expense of so doing shall be charged to the owner of the property. If not paid, the city clerk-treasurer shall add such amount to the tax roll as a special tax against such lot or parcel of land.

(Ord. 2005-19)

Sec. 130-1284. Table Summary of Article X.

A summary of Signage regulations found in Article X are as follows:

TABLE I: SIGNS NOT REQUIRING A PERMIT. (All Zoning Districts)

	Zoning Districts	Sign Type	Maximum		
			Time	Quantity/ Area/ Percent	Height
Permit Not Required	Business, Industrial, and Office Districts	Banners	15 days/ 90 day period	32 ft ²	15 ft. above finished grade
		Warning Signs	N/A	4 ft ²	N/A
		Signs Directing Traffic	N/A	6 ft ²	N/A
		Rummage Sale Signs	72 hrs./ sale	4 ft ²	N/A
		Political Signs	60 days before election. Removed within 10 days of election.	32 ft ²	N/A
		Real Estate Signs	Removed upon sale/rental	(2)signs/cumulative 8 ft ²	6 ft. above soil grade
		Parking Area Signs	N/A	(1) 2 ft ² sign/entrance or exit. –and– (1) 9 ft ² identification/ conditions of use sign	7 ft. above finished grade
		Seasonal Outdoor Sales-Farm Produce	N/A	(2) 12 ft ² signs	15 ft. above finished grade
		Contractor Signs	Construction Period	(1) 4 ft ² sign	N/A
		Pennants	28 days after grand opening	N/A	N/A
		Window Signs	N/A	25 % of glazed area	W/I 3 feet of window
		Portable Signs	10 days/ 3 times/ year	12 ft ²	
		Community Event/Information Signs	45 days before an event. Removed within 5 days of event.	32 ft ²	N/A

Agricultural, Conservancy and Residential Districts	Contractor Signs	Construction Period	(1) 4 ft ² sign	N/A
	Political Signs	60 days before election. Removed within 10 days of election.	8 ft ²	N/A
	Rummage Sale Signs	72 hrs./ sale	4 ft ²	N/A
	Residential Nameplates	N/A	(1) 3 ft ²	N/A
	Nonresidential Identification Signs	N/A	(1) 9 ft ² / street face	15 ft. above finished grade
	Permitted Home Occupation signs per Sec 130-531	N/A	(1) 3 ft ² / dwelling	N/A
	Real Estate Signs	Removed upon sale/rental	(1) 8 ft ² / street face	6 ft. above soil grade
	Parking Area Signs	N/A	(1) 2 ft ² sign/entrance or exit. –and– (1) 9 ft ² identification/ conditions of use sign	7 ft. above finished grade
	Seasonal Outdoor Sales-Farm Produce	N/A	(2) 12 ft ² signs	15 ft. above finished grade

TABLE II: SIGNS REQUIRING A PERMIT. (B-2 DISTRICT)

B – 2 District ¹				
Permit Required	Sign Type	Maximum Per Parcel		
		Time	Quantity/ Area/ Percent	Height/Width/ Distance
	Awning/Canopy/Marquee²	N/A	(2) per business	N/A
	Banners²	30 days/ 90 day period	Cumulative of 32 ft ²	15 ft. above finished grade
	Church Bulletins^{1, 2}	N/A	(1) 16 ft ²	6 ft. above finished 8 ft. from adjacent lots
	Construction Signs	During Construction	(1) 32 ft ²	N/A
	Freestanding/Ground Sign²	N/A	50 ft ²	15 ft. above grade
	Projecting Signs²	N/A	N/A	Vertical clearance of 10 ft. Extend 2/3 width of public sidewalk up to 5 ft.
	Sandwich Board²	Business Hours	12 ft ² / face	4 ft. above finished grade
	Shopping Center/Group Development²	N/A	(1) 60 ft ² / street face	15 ft. above finished grade 20 ft. from property line
	Wall Signs^{2, 3}	N/A	(2) for each business ≤ 10% building front face, maximum 200 ft ²	≤ 16 in. from wall
	Window Signs²	N/A	Between 25-50% of glazed area provided sign is not electronic message sign	W/I 3 Feet of Window
<ol style="list-style-type: none"> 1. Lighting. Directly illuminated/backlit signs are not allowed in this district, except signs with the word “open” that are less than four square feet in area. Lighting shall not create glare nor be flashing. Church bulletins may be indirectly illuminated, except neon. 2. Total signage area per parcel. Cannot exceed 200 ft² 3. On a corner lot, a sign may be placed on the wall facing the secondary street up to 10% of the wall's face in area, not to exceed 100 square feet. Total area of all wall signs cannot exceed 200 square feet, nor be more than two wall signs per building. 				

TABLE III: SIGNS REQUIRING A PERMIT. (B-1, B-3, B-5, O-1 DISTRICTS)

B – 1, B – 3, B – 5, O – 1 Districts ¹				
Permit Required	Sign Type	Maximum Per Parcel		
		Time	Quantity/ Area/ Percent	Height/Width/ Distance
	Awning/Canopy/Marquee²	N/A	(2) per business	N/A
	Banners²	30 days/ 90 day period	Cumulative of 32 ft ²	15 ft. above finished grade
	Church Bulletins^{1,2}	N/A	(1) 16 ft ²	6 ft. above finished grade 8 ft. from adjacent lots
	Construction Signs	During Construction	(1) 32 ft ²	N/A
	Electronic Message Signs²	Information must remain static for at least 2 min before next message.	Information cannot exceed 20% face of sign (1) 25 ft ²	N/A
	Freestanding/Ground Sign²	N/A	50 ft ²	15 ft. above grade 20 ft. above grade when set back at least 10 ft. from property line.
	Projecting Signs²	N/A	N/A	Vertical clearance of 10 ft. Must not project over public sidewalk
	Sandwich Board²	Business Hours	12 ft ² / face	4 ft. above finished grade
	Shopping Center/Group Development²	N/A	(1) 60 ft ²	15 ft. above finished grade 20 ft. from property line
	Wall Signs^{2, 3}	N/A	(2) for each business ≤ 10% building front face. Maximum 200 ft ²	≤ 16 in. from wall
	Window Signs²	N/A	Between 25-50% of glazed area provided sign is not electronic message sign	W/I 3 Feet of Window
<p>1. Lighting. Signs may be directly illuminated/backlit or indirectly illuminated by a hooded reflector, shall not create glare nor be flashing. Church bulletins may be directly or indirectly illuminated/backlit, except neon.</p> <p>2. Total signage area per parcel. Cannot exceed 250 ft²</p> <p>3. On a corner lot, a sign may be placed on the wall facing the secondary street up to 10% of the wall's face in area, not to exceed 100 square feet. Total area of all wall signs cannot exceed 200 square feet, nor be more than two wall signs per building.</p>				

TABLE IV: SIGNS REQUIRING A PERMIT. (B-4, I-1, I-2, I-3 DISTRICTS)

B – 4 District , I-1, I-2, I-3 Districts ¹				
Permit Required	Sign Type	Maximum Per Parcel		
		Time	Quantity/ Area/ Percent	Height/Width/ Distance
	Awning/Canopy/ Marquee²	N/A	(2) per business	N/A
	Banners²	30 days/ 90 day period	Cumulative of 32 ft ²	15 ft. above finished grade
	Church Bulletins^{1, 2}	N/A	(1) 16 ft ²	6 ft. above finished grade 8 ft. from adjacent lots
	Construction Signs	During Construction	(1) 32 ft ²	N/A
	Electronic Message Signs²	Information must remain static for at least 2 min before next message.	Information cannot exceed 20% face of sign (1) 25 ft ²	N/A
	Freestanding/ Ground Sign²	N/A	50 ft ²	15 ft. above grade 20 ft. above grade when set back at least 10 ft. from property line.
	Projecting Signs²	N/A	N/A	Vertical clearance of 10 ft. Must not project over public sidewalk
	Sandwich Board²	Business Hours	12 ft ² / face\	4 ft. above finished grade
	Shopping Center/ Group Development/ Industrial park^{2, 4}	N/A	(1) 60 ft ²	15 ft. above finished grade 20 ft. from property line
	Wall Signs^{2, 3}	N/A	(1) Front wall, (1) Side wall, or (1) rear wall for each business. (2) Sign and 200 ft ² max. ≤ 10% building front face. Maximum 200 ft ² ; ≤ 10% building side face. Maximum 100 ft ² ; Rear wall sign shall not exceed 50% of the maximum area permitted for a front wall sign.	≤ 16 in. from wall
	Window Signs²	N/A	Between 25-50% of glazed area provided sign is not electronic message sign	W/I 3 Feet of Window
<p>1. Lighting. Signs may be directly illuminated/backlit or indirectly illuminated by a hooded reflector, shall not create glare nor be flashing. Church bulletins may be directly or indirectly illuminated/ backlit, except neon.</p> <p>2. Total signage area per parcel. Cannot exceed 350 ft²</p> <p>3. A 12 square feet front wall sign is permitted for building faces of less than 120 square feet.</p> <p>4. Exception to the maximum dimension and quantity are available, as per Sec. 130-1277 (b) and Sec. 130-1277 (c)</p>				

TABLE V: SIGNS REQUIRING A PERMIT. (RESIDENTIAL DISTRICTS)

Residential Districts				
Permit Required	Sign Type	Maximum Per Parcel		
		Time	Quantity/ Area/ Percent	Height/Width/ Distance
	Temporary Subdivision	2 years of Sign Permit	(2) 50 ft ² per subdivision	Front yard setback, > 50 ft. from all other boundaries. 8 ft. above finished grade.
	Subdivision Identification	N/A	(1) 32 ft ² per entrance	12 ft. above finished grade
	Nonresidential Signs^{1,2}	N/A	(1) 16 ft ² per lot	8 ft. from adjacent lots
	Legal nonconforming commercial uses³	N/A	(1) 10 ft ² per lot	8 ft. from adjacent lots
	Construction Signs	During Construction	(1) 32 ft ² per lot	N/A
1. Lighting. Signs may be directly illuminated/backlit or indirectly illuminated, except neon. 2. Signs for nonresidential permitted uses (i.e. church bulletins, schools, municipal buildings, public parks, nursing homes, etc.) 3. Lighting. Signs may not be directly illuminated/backlit.				

(Ord. No. 2016-02)

Secs. 130-1285 – 130-1299. Reserved.